

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JOHN BAXLEY, JR., et al.

Plaintiffs,

v.

CIVIL ACTION NO. 3:18-1526

BETSY JIVIDEN, in her official capacity  
as Commissioner of the West Virginia  
Division of Corrections and Rehabilitation and  
WEST VIRGINIA DIVISION OF CORRECTIONS  
AND REHABILITATION, et al.

Defendants.

**ORDER**

Pending is Plaintiffs' Motion for Class Certification. ECF No. 88. Plaintiffs have since filed a second Motion for Class Certification on July 17, 2020. ECF No. 264. Accordingly, the Court **DENIES AS MOOT** the first motion, ECF No. 88.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: September 17, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE